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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/773,324 | 01/31/2001 | Allen I. Swartz | P00042701 | 4261 |
| 7590 | 03/18/2004 | | | EXAMINER LE, LANA N |
| John C. Smith 4800 North Federal Highway, Suite A-207 Boca Raton, FL 33431 | | | ART UNIT 2685 | PAPER NUMBER |
| DATE MAILED: 03/18/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/773,324 | SWARTZ, ALLEN I. | |
| | Examiner | Art Unit | |
| | Lana Le | 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 January 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 20-21 are objected to because of the following minor informalities: Claim 20, line 6 and claim 21, line 6 states "...portable computer in the wireless telephone", "—in—" should be "—and--" Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 13-16, 19, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Babitch et al (US 5,930,719).

Regarding claim 1, Babitch et al discloses an apparatus 12, 18 for providing wireless data transmission between a modem in a portable computer 14 and a land line (telephone network) (col 1, lines 57-60), including the steps of:

a wireless base station 18, the wireless base station further comprising:

means (line interface to telephone network; fig. 1) to attaching to a landline (col 3, lines 17-20); and

means 16 to communicate with the wireless telephone handset 12 (col 2, lines 67 - col 3, line 3);

the wireless telephone handset 12 further comprising:

means 16 to communicate with the wireless telephone base station (col 2, lines 67 - col 3, line 3);

means (modem comm) to communicate with a modem in a portable computer (col 4, lines 24-28; col 4, lines 36-39);

whereby a portable computer 14 can communicate with a telephone land line (telephone network) via a wireless telephone 12, 18 (col 3, lines 17-21).

Regarding claim 2, Babitch et al discloses an apparatus as in claim 1, further comprising:

a manual switch 42 (fig. 2), the manual switch located on the wireless telephone handset 30 (fig. 2), and further having a voice position in which the wireless telephone is used for voice communications, and a data position in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 4, lines 30-44).

Regarding claim 3, Babitch et al further discloses an apparatus as in claim 1, further comprising:

a manual switch 66 (fig. 3), the manual switch located on the wireless telephone base station 60 (fig. 3) and further having a voice position in which the wireless telephone is used for voice communications, and a data position (col 7, lines 28-30) in which the

wireless telephone is used for data transmission between a computer and a telephone land line (col 5, line 54 - col 6, line 12).

Regarding claim 4, Babitch et al further discloses an apparatus, as in claim 1, wherein the land line is a telephone communications network (telephone network; fig. 1).

Regarding claim 7, Babitch et al further discloses an apparatus, as in claim 1, wherein the means to communicate with the modem in the portable computer further comprises:

a cable connection in the wireless telephone handset (col 4, lines 24-28); and
a cable having a proximal end and a distal end, the proximal end of the cable having means to connect to the cable connection in the wireless telephone handset, and the distal end of the cable having means to connect to the modem of a portable computer (col 4, lines 24-28; col 4, lines 36-39);

whereby the cable connects the modem of the portable computer to the wireless telephone handset (modem comm; fig. 1) which communicates with the wireless telephone base station 18 which is connected to and communicates with the land line (telephone network; col 3, lines 17-21).

Regarding claim 13, Babitch et al discloses a method of providing wireless data transmission between a modem in a portable computer 14 and a telephone land line (telephone network) (col 1, lines 57-60), including the steps of:

attaching a wireless telephone 12, 18 having a base station 18 and a wireless handset 12 to a landline (col 3, lines 17-20); and

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communicating between the wireless base station 18 and the wireless handset 12 via 16 (col 2, lines 67 – col 3, line 3);

communicating between the wireless telephone and a modem in a portable computer (modem comm) (col 4, lines 24-28; col 4, lines 36-39); whereby a portable computer 14 can communicate with a telephone land line (telephone network) via a wireless telephone 12, 18 (col 3, lines 17-21).

Regarding claim 14, Babitch et al further discloses a method, as in claim 13 including the additional step of attaching a manual switch 42 (fig. 2) to the wireless telephone handset, the manual switch having a voice position in which the wireless telephone is used for voice communications, and a data position in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 4, lines 30-44).

Regarding claim 15, Babitch et al further discloses a method, as in claim 13, including the additional step of attaching a manual switch 66 (fig. 3) to the wireless telephone base station; the manual switch having a voice position in the wireless telephone is used for voice communications, and a data position (col 7, lines 28-30) in which the wires telephone is used for data transmission between a computer and a telephone land line (col 5, line 54 - col 6, line 12).

Regarding claim 16, Babitch et al further discloses a method, as in claim 13, including the additional step of using a telephone communications network (telephone network; fig. 10) as the land line.

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Regarding claim 19, Babitch et al further discloses a method, as in claim 13 including the additional steps of:

the means to communicate with the modem in the portable computer further comprises:

connecting a first end of a cable to the wireless telephone handset (col 4, lines 24-28);

and

connecting a second end of the cable to the modem of a portable computer (col 4, lines 24-28; col 7, lines 22-23);

whereby the cable connects the modem of the portable computer to the wireless telephone handset 12 (modem comm.; fig. 1) which communicates with the wireless telephone base station 18 which is connected to and communicate with the land line (telephone network; col 3, lines 17-21; fig. 1).

Regarding claim 24, Babitch et al further discloses a method, as in claim 13, including the additional step of using a portable computer to remotely switch the telephone from a voice position in which the wireless telephone is used for voice communications, and a data position in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 4, lines 45-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babitch et al (US 5,930,719) in view of Rydbeck et al (US 6,195,564).

Regarding claim 8, Babitch et al discloses an apparatus, as in claim 1, wherein the means to communicate with the modem in the portable computer further comprises: a first wireless transceiver 44 in the wireless telephone handset 30 (fig. 2).

Babitch et al didn't further disclose:

a second wireless transceiver connected to the modem of a portable computer; and the first and second wireless transceiver having means to communicate with one another;

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone handset.

Rydbeck et al discloses an inherent second wireless transceiver connected to the modem of a portable computer 100 (fig. 1; col 3, lines 35-40); and the first inherent transceiver of phone 300 and second wireless transceiver having means 305 to communicate with one another (fig. 1);

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone handset (col 3, lines 57-64).

Regarding claim 9, Babitch et al further discloses an apparatus, as in claim 1, wherein the means to communicate with the modem in the portable computer further comprises:

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a first wireless transceiver 68 in the wireless telephone base station 60 (Fig. 3).

Babitch et al didn't further disclose:

an inherent second wireless transceiver connected to the modem of a portable computer; and the first and second wireless transceiver having means 305 to communicate with one another;

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone base station.

Rydbeck et al further discloses:

an inherent second wireless transceiver connected to the modem of a portable computer (col 3, lines 35-40); and the first and second wireless transceiver having means 305 to communicate with one another (col 3, lines 25-30);

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone base station (col 3, lines 57-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to wirelessly communicate between the portable computer and the telephone handset in order to communicate without the need for line interface through cables or cords.

Regarding claim 10, Babitch et al and Rydbeck et al disclose an apparatus, as in claim 9, wherein Babitch et al discloses the apparatus further comprising a manual switch 42 (fig. 2), the manual switch located in the telephone handset 30 (fig. 2) and further having a voice position in which the wireless telephone is used for voice

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communications, and a data position in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 4, lines 30-44).

Regarding claim 11, Babitch et al and Rydbeck et al disclose an apparatus, as in claim 9, wherein Babitch et al discloses the apparatus further comprising a manual switch 66, the manual switch located in the wireless base station 60 (fig. 3) to and further having a voice position in which the wireless telephone is used for voice communications, and a data position (col 7, lines 28-30) in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 5, lines 54 – col 6, line 12).

Regarding claim 12, Babitch et al discloses an apparatus 12, 18 for providing wireless data transmission between a modem in a portable computer (col 4, lines 36-39) and a telephone land line (telephone network), further comprising:

a telephone 12, 18, the telephone further comprising:

means 18 to attach to a land telephone line (telephone network); and

a telephone handset 12.

Babitch et al didn't disclose:

an acoustic coupler, further comprising:

means in the acoustic coupler to attach to the telephone handset such that data can be sent bidirectionally through the acoustic coupler to the telephone; and

means to communicate wirelessly with a modem in a portable computer;

whereby the portable computer can wirelessly communicate with the telephone land line via the acoustic coupler and the telephone.

Rydbeck et al discloses:

an acoustic coupler (wireless modem) (col 7, lines 32-34), further comprising:
means in the acoustic coupler to attach to the telephone handset 300 such that data
can be sent bidirectionally through the acoustic coupler to the telephone handset (col 3,
lines 25-35); and
means 305 to communicate wirelessly with a modem in a portable computer (col 5, lines
35-40);
whereby the portable computer 100 can wirelessly communicate with the telephone
land line PSTN via the acoustic coupler and the telephone (col 3, lines 30-33). It would
have been obvious to one of ordinary skill in the art at the time the invention was made
to wirelessly communicate between the portable computer and the telephone handset in
order to communicate without the need for line interface through cables or cords.

Regarding claim 20, Babitch et al discloses a method, as in claim 13, wherein
communicating between the modem in the portable computer and the wireless
telephone by attaching a first wireless transceiver 44 (fig. 2) to the wireless telephone
handset 30 (fig. 2).

Babitch et al didn't further disclose the method including the additional steps of:
attaching a second wireless transceiver to the modem of a portable computer; and
communicating between the portable computer in the wireless telephone via the first
and second wireless transceivers;
whereby the first and second wireless transceivers are the data communications path
between modem of the portable computer and the wireless telephone handset.

Rydbeck et al discloses attaching a second inherent wireless transceiver to the modem of a portable computer 100 in order to communicate wirelessly via 305 (fig. 1; col 3, lines 35-40); and communicating between the portable computer 100 in the wireless telephone via the inherent first and second wireless transceivers of phone 300 and laptop 100 (col 3, lines 25-35).

whereby the first and second wireless transceivers are the data communications path 305 between the modem of the portable computer and the wireless telephone handset (col 3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to wirelessly communicate between the portable computer and the telephone handset in order to communicate without the need for line interface through cables or cords.

Regarding claim 21, Babitch et al further discloses a method, as in claim 13, including the additional steps of:

communicating between the modem in the portable computer and the wireless telephone by attach a first wireless transceiver 68 to the wireless telephone base station 60 (fig. 3).

Babitch et al didn't further disclose the method including the additional steps of: attaching a second wireless transceiver to the modem of a portable computer; and communicating between the portable computer and the wireless telephone via the first and second wireless transceivers;

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone handset.

Rydbeck et al further discloses the method further comprises the additional steps of: attaching an inherent second wireless transceiver to the modem of a portable computer (col 3, lines 35-40); and communicating between the portable computer 100 in the wireless telephone via the inherent first and second wireless transceivers in order to communicate wirelessly via 305 link;

whereby the first and second wireless transceivers are the data communications path between modem of the portable computer and the wireless telephone handset (col 3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to wirelessly communicate between the portable computer and the telephone handset in order to communicate without the need for line interface through cables or cords.

Regarding claim 22, Babitch et al and Rydbeck disclose a method, as in claim 21, wherein Babitch et al discloses the method including the additional step of using a manual switch 42 (fig. 2), located in the telephone handset, to switch the wireless telephone between a voice position in which the wireless telephone is used for voice communications, and a data position in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 4, lines 30-44).

Regarding claim 23, Babitch et al and Rydbeck disclose a method, as in claim 21, wherein Babitch et al discloses the method including the additional step of using a

manual switch 66 (fig. 3), located in the wireless telephone base station, to switch the wireless telephone between a voice position in which the wireless telephone is used for voice communications, and a data position (col 7, lines 28-30) in which the wireless telephone is used for data transmission between a computer and a telephone land line (col 5, line 54 – col 6, line 12).

4. Claims 5 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babitch et al (US 5,930,719) in view of Minter et al (US 6,577,716).

Regarding claim 5, Babitch et al discloses an apparatus, as in claim 1, wherein the land line is a fiber optic communications network. Babitch et al didn't further disclose the land line is a fiber optic communications network. Minter et al discloses the the land line is a fiber optic communications network. (col 2, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a fiber optic network as the land line in order to transmit more data digitally by the larger bandwidth fiber optic cables has for use in local area networks.

Regarding claim 17, Babitch et al discloses a method, as in claim 13, Babitch et al didn't further disclose the method further includes the additional step of using a fiber optic communications network as the land line. Minter et al discloses the method further includes the additional step of using a fiber optic communications network as the land line (col 2, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fiber optic network as the land line in

order to transmit more data digitally by the larger bandwidth fiber optic cables has for use in local area networks.

5. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babitch et al (US 5,930,719) in view of Beasley (US 5,678,177).

Regarding claim 6, Babitch et al discloses an apparatus, as in claim 1, wherein Babitch et al didn't further disclose the land line is a coaxial cable communications network. Beasley discloses the land line is a coaxial cable communications network (col 1, lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce interference and carry more data via the coaxial cable.

Regarding claim 18, Babitch et al further discloses a method, as in claim 13 wherein Babitch et al didn't further disclose the method includes the additional step of using a coaxial cable communications network as the land line. Beasley discloses the method includes the additional step of using a coaxial cable communications network as the land line (col 1, lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce interference and carry more data via the coaxial cable.

Conclusion

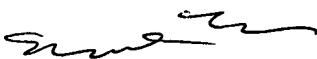
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lana Le

October 19, 2003


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